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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,148	05/13/1999	TETSURO MOTOYAMA	5244-0092-2	9858

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 08/26/2004

34

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/311,148

Applicant(s)

MOTOYAMA ET AL.

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 04/22/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,12-15,19-22 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,12-15,19-22 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Amendment filed on 04/22/04 has been entered and carefully considered. Claims 1, 7-8, 14-15, 21-22 and 28 have been amended. Claims 2-4, 9-11, 16-18 and 23-25 have been canceled. However, limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1, 5-8, 12-15, 19-22 and 26-28 are rejected under the same ground of rejection as set forth in the Office Action mailed 02/06/04.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 12-15, 19-22 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulton et al. [US. 5,566,291] in view of Ladd [US. 6,433,802].

As to claims 1, 8, 15 and 22, Boulton et al. discloses an interface of a target application, the interface comprising a plurality of operations to be selected by a user (column 3, lines 60-67, column 4, lines 15-30 and column 5, lines 36-44); Boulton et al. cites "a user may activate an enter feedback mode command in a computer environment to provide feedback in a feedback interface. A feedback record is created and the user's context within a product, process, service, or

issue to which the feedback refers is recorded in the feedback record" (see abstract), wherein the target application is an image forming device and the interface is an operation panel of the image forming device (column 54, lines 11-20, Boulton et al. shows a system in which a user's selection of operations on an interface of an image forming device, for example a photocopy machine..); a monitoring unit configured to directly monitor user selections of the plurality of operations of the interface by the user (column 4, lines 47-55); and to generate a log of the monitored data, the log indicating the selections of the plurality of operations by the user (Boulton et al. cites "Selected attributes, the time at which the feedback is made, the physical location and identity of the user, and comments by the user are recorded in the feedback record. A feedback visualizer for a reviewer for organizing and presenting user feedback receives feedback from users...The visualizer identifies a reviewer's visualization preferences, which include indications of feedback attributes that the reviewer desires to review" (see abstract); and a communicating device configured to communicate the log of the monitored data to a remote site (column 12, lines 46-56). The difference between Boulton et al. and the claim is the step of automatically upon start-up of the target application without the user directly starting a monitoring program. Ladd shows the limitation at column 5, lines 38-46 and column 6, lines 40-47. Ladd discloses the step of monitoring the start, progress and completion of a parallel application without taking any action by the user and "the application monitor monitors the user application file

and maintains statistics on the user application file". The user does not need to execute the application before monitoring but the system does the part of monitoring by itself. It would have been obvious to one of ordinary skill in the art, having the teachings of Boulton et al. and Ladd before them at the time the invention was made to modify a method of monitoring taught by Boulton et al. to include the step of automatically monitoring user inputs of Ladd, with the motivation being to make it easy for the user by not requiring him to directly execute a specific monitoring program as taught by Ladd.

While Boulton et al. shows the monitoring unit that monitoring user selections of the plurality of operations, Ladd suggests the step of automatically upon start-up of the target application when the system monitors the user inputs.

As to claims 2, 9, 16 and 23, Boulton et al. shows the target application is a software application and the interface is a display screen of the software application (column 5, lines 8-18 and column 15, lines 40-50).

As to claims 3, 10, 17 and 24, the combination of Boulton et al. and Ladd teaches the target application is an image forming device and the interface is an operation panel of the image forming device (column 10, lines 35-46).

As to claims 4, 11, 18 and 25, the combination of Boulton et al. and Ladd shows "the target application is an appliance and the interface is an operation panel of the appliance" (column 8, lines 55-64).

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As to claims 5, 12, 19 and 26, the combination of Boulton et al. and Ladd also teaches the communicating device sends the log of the monitored data when the user exits the target application (column 12, lines 47-56).

As to claims 6, 13, 20 and 27, the combination of Boulton et al. and Ladd also shows a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating device communicating the log of the monitored data (column 3, lines 18-32).

As to claims 7, 14, 21 and 28, Boulton et al. discloses the communicating device communicates the log of the monitored data by Internet mail (column 39, lines 50-65).

Response to Arguments

Applicant's arguments with respect to claims 1, 8, 15 and 22 about the limitation: "Boulton does not provide any teaching or suggestion of monitoring a user's selection of operations on an interface of an image forming device".

However, Applicant's attention is directed to column 54, lines 11-20 "Similarly, the feedback system can be used in connection with automated telecommunications equipment such as voice mail system,.... It can even be incorporated into devices such as ATMs, photocopy machines....". Therefore, Boulton et al. teaches monitoring a user's selection of operation on an image forming device such as the photocopy machine.

Applicant has also argued that the reference of Ladd does not disclose the monitoring of the user's usage which similar to the monitoring in the claimed

invention. "In the claimed invention the monitoring is directed to monitoring a user's usage of an interface. In Ladd the monitoring is directed to monitoring the progress of a parallel application that a user sets up by a GUI 116". However, the Examiner relies on Bouton et al. (not Ladd) for the feature of monitoring a user's selection of operations.

Applicant argues Ladd does not disclose "monitoring user selections of the plurality of operations of the interface by the user automatically upon start-up of the target application without the user directly starting a monitoring program".

However, Applicant's attention is directed to column 3, lines 34-42 and column 5, lines 39-46 "the user can generate language specific codes for a specific standardized parallel programming paradigm, such as MPI,can be used to start the application by distributing the processes and signal the start of their execution. Finally, the present invention can be used to monitor an application in order to gather statistics, displayed graphically in real time...."...."The application monitor monitors the start, progress and completion of a parallel application, maintains statistics during the execution of the parallel application and calculates system performance during and after the execution of application....". It is clear that the monitoring system of Ladd monitoring the start, progress, and completion of an application file without requiring the user to directly execute a specific monitoring program. The user does not need to do anything to tell the system starting the monitoring program when he/she begins his/her selection of operation on the application.

Finally, Application has argued that "there can not be any incentive or motivation to one skill in the art to modify the teachings of Boulton in view of those in Ladd as the teachings in the two different references are completely unrelated". However, The Examiner respectfully disagrees. While Boulton et al. shows the monitoring a user's selection of operation on the application interface, Ladd also teaches the monitoring the application file involving the user actions (column 5, lines 7-12). Because both references teach related features, there is enough motivation to combine Boulton and Ladd.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238, may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-4395 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (703) 308-5186,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in

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the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER

